

OverSight Division

Committee On Legislative Research

Program Evaluation:
Statewide Court Automation
Project

*Prepared for the Committee on Legislative Research
by the Oversight Division*

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Oversight Subcommittee

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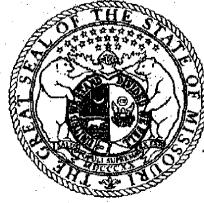
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STATE CAPITOL
JEFFERSON CITY, MISSOURI 65101-6806

March 14, 2001

Members of the General Assembly:

The Joint Committee on Legislative Research adopted a resolution in May, 2000, directing the Oversight Division to perform a program evaluation of Statewide Court Automation Project within the Office of State Courts Administrator to determine and evaluate program performance in accordance with program objectives, responsibilities, and duties as set forth by statute or regulation.

The accompanying report includes Oversight's comments on internal controls, compliance with legal requirements, management practices, program performance and related areas. We hope this information is helpful and can be used in a constructive manner for the betterment of the state program to which it relates.

Respectfully,

Larry Rohrbach
Senator Larry Rohrbach
Chairman

EXECUTIVE SUMMARY

The Missouri General Assembly passed Senate Bill 420 in 1994 which created a seven dollar court fee to fund a statewide court automation project. The purpose was to link all Missouri courts with each other, with other agencies in Missouri and, ultimately with agencies across the nation. Electronic filing of documents and electronic transfer of files were also among the expected benefits. Senate Bill 420 provided for a special fund, the Statewide Court Automation Fund, to receipt money from the collection of the new fee. The fee was originally scheduled to sunset September 1, 1999; however, the Legislature extended the sunset date to September 1, 2004. The fund is administered by a court automation committee consisting of the Chief Justice of the Supreme Court, a judge from the Court of Appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration and two members of the Missouri Bar. The Office of State Courts Administrator is responsible for the coordination and implementation duties associated with the project. From fiscal year 1995 through fiscal year 1998, the project was funded solely by court automation fee collections. However, beginning in fiscal year 1999, state General Revenue funding has also been utilized. Initially the project was funded for 4.77 FTE in fiscal year 1996 and has grown to 111.25 FTE and an annual budget of \$19 million in fiscal year 2001.

It appears the cost of Statewide Court Automation will substantially exceed original estimates. In 1994, the Office of State Courts Administrator (OSCA) originally estimated total project costs to be \$46 million, as reported to Oversight in the fiscal note associated with Senate Bill 420. Revenues of \$4.6 million annually over ten years were expected to cover costs. However, during the same year OSCA also projected total costs of \$72 million. Information submitted to Oversight by OSCA during the course of the evaluation (Fall, 2000) revealed total projected costs of \$119 million. This amount is \$73 million more than the original estimate. Estimates include contractual costs and OSCA's staffing costs.

In March, 1997, OSCA awarded a contract for Banner Courts Case Management software. This software standardizes the recording of case information by the courts. The system was originally installed in three pilot sites: Montgomery County, the Eastern District Court of Appeals and Jackson County in FY 1997, FY 1998 and FY 1999, respectively. As of September 11, 2000, twenty-eight counties, the City of St. Louis, the Western, Eastern and Southern Appellate Courts and the Supreme Court also have had the case management system installed. The remaining counties in Missouri are scheduled for case management rollout by the end of FY 2004.

Based on a survey conducted by the Oversight Division, it appears the main benefit of the system has been the ability to access court case information without the need to call or travel to the circuit clerk's office.

The Banner case management system was intended to save time in the circuit clerks' offices in recording court case information. However, four of twelve circuit clerks responding to a survey from Oversight reported that the Banner system is more time consuming than their previous

systems. Additional training and experience with the system may alleviate some of the concerns. For users wishing to obtain information from the system, case information is available electronically through Case.Net, an internet site accessible through OSCA's internet home page. Oversight surveyed potential users of the information and found four of eleven sheriffs' offices and four of thirteen prosecuting attorneys offices did not have internet access.

The final work product may offer substantially less functionality than originally planned. The court automation software contractor has not met all of the functional software requirements included in the contract. Specifically, the contractor has failed to deliver eleven functional requirements, some critical in meeting the overall objectives of the project. For instance, the lack of electronic case filing, storage and information transfer will keep the courts from being linked with each other. Also, the lack of adequate archiving capabilities keep court files from being stored more efficiently.

Oversight noted concerns with the lack of a long-range plan for the project. There is no plan which includes budgetary projections through September 1, 2004, when the seven dollar court fee expires. OSCA is still in the process of determining when case management will be rolled out for the remaining courts by fiscal year. They do not have a plan for ongoing maintenance of the case management system including software upgrades, hardware upgrades, training and technical support to county court personnel.

The Oversight Division did not audit departmental or fund financial statements and, accordingly does not express an opinion on them. We wish to acknowledge the cooperation and assistance of staff of the Office of State Courts Administrator during the evaluation process.



Jeanne Jarrett, CPA
Director

Chapter 1 - Introduction

Purpose

The General Assembly has provided by law that the Committee on Legislative Research may have access to and obtain information concerning the needs, organization, functioning, efficiency and financial status of any department of state government or of any institution that is supported in whole or in part by revenues of the State of Missouri. The General Assembly has further provided by law for the organization of an Oversight Division of the Committee on Legislative Research and, upon adoption of a resolution by the General Assembly or by the Committee on Legislative Research, for the Oversight Division to make investigations into legislative and governmental institutions of this state to aid the General Assembly.

The Committee on Legislative Research directed the Oversight Division to perform a program evaluation and expenditure review of the Statewide Court Automation Project for the purpose of providing information to the General Assembly regarding proposed legislation and appropriation bills.

Background

Court Organization

The Missouri Judicial Branch is organized into three tiers, consisting of a Supreme Court, a Court of Appeals and a Circuit Court. The Supreme Court, the court of last resort, has statewide jurisdiction.

A number of divisions exists within the circuit court: circuit, juvenile, probate, and municipal. Each circuit has at least one circuit judge, and each county has at least one associate circuit judge. One circuit judge in each circuit serves as presiding judge with administrative responsibilities.

Most of the nonjudicial staff for the circuit court is comprised of state-paid clerks. With minor exceptions, there is one elected circuit clerk in each county. The exceptions are Marion County, where two circuit clerks are elected; St. Louis County, where the circuit clerk is appointed; and Jackson County, where a court administrator is appointed in lieu of a circuit clerk. Circuit clerks and their staff are responsible for the clerical aspects of court case processing. Chapter 485,

RSMo., authorizes each circuit court judge to appoint a court reporter. The reporter gets paid a state salary and is authorized to collect and retain statutory fees for producing transcripts of trials the reporter recorded as a part of his/her statutory duties.

While the state pays the personnel costs of the circuit court, expense and equipment costs have been primarily provided by the counties or the City of St. Louis.

The Office of State Courts Administrator (OSCA) is responsible for a wide variety of functions, including: providing technical assistance to the courts, coordinating and conducting educational programs for both judges and clerks, collecting and analyzing workload information and responding to requests for statistical information, preparing the judiciary's budget, processing the payroll for most employees in the courts, developing and supporting a number of automated systems and assisting courts in purchasing and operating the necessary equipment, processing requests for judicial transfers, preparing typed transcripts of court proceedings from sound recordings, and providing staff support to a number of Supreme Court Committees.

Court Automation History

Senate Bill 420 passed in 1994 which created a seven dollar court fee to be deposited in the Statewide Court Automation Fund. The fee was originally scheduled to expire on September 1, 1999; however, in 1997 SB 248 passed which extended the fee until September 1, 2004. The Statewide Court Automation Fund is administered by a court automation committee consisting of the chief justice of the Supreme Court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, and two members of the Missouri Bar. The committee is responsible for developing and implementing a plan for a statewide court automation system.

Beginning in FY 1997, the Office of the State Courts Administrator (OSCA) began installing Lotus Notes software in the courts to provide electronic mail and shared database capabilities. All courts were scheduled to have the Lotus Notes installation completed by the end of FY 2001.

In March, 1997, OSCA awarded a contract for Banner Courts Case Management

software. This software standardizes the recording of case information by the courts (civil, criminal, traffic and juvenile systems). The Banner case management software was initially rolled out in three pilot sites: Montgomery County, the Eastern District Court of Appeals and Jackson County in FY 1997, 1998 and 1999, respectively.

After the case management system is installed in a court, public information regarding court cases is available on Case.Net. Case.Net is an internet site available from the web site of the Office of State Courts Administrator. The site allows users to view case records including docket entries, parties, attorneys, judgments and charges.

The Oversight Division surveyed potential users of Case.Net, including state agencies, prosecuting attorneys' offices, sheriffs' offices, and private attorneys. Based on the survey responses, the main benefit of Case.Net has been the ability to access court case information without the need to call or travel to the circuit clerk's office.

As of September 11, 2000, the following counties had case management software implemented: Andrew, Buchanan, Platte, Harrison, Mercer, Grundy, Putnam, Jackson, Boone, Cole, Callaway, Montgomery, Warren, Franklin, St. Charles, St. Louis City, Jasper, Taney, Howell, Shannon, Oregon, Carter, Vernon, Barton, Dade, Cedar, Osage and Gasconade. The Western, Eastern and Southern Appellate Courts and the Supreme Court also have case management software installed. The remaining counties in Missouri are scheduled for case management rollout by the end of FY 2004.

Court Automation Funding

The cost to OSCA per court for Banner software rollout ranges from approximately \$50,000 to \$550,000 per court, depending on the amount of contracted services needed for data conversion.

The primary sources of funding for the statewide court automation project include General Revenue and the Statewide Court Automation Fund. From fiscal year 1995 through fiscal year 1998, the court automation project was funded solely from the Statewide Court Automation Fund. Beginning in FY 1999, General Revenue funds were appropriated for court automation. The FY 1999 General Revenue appropriation was \$6.8 million, and the Statewide Court Automation Fund appropriation was \$4.6 million. In FY 2000 the General Revenue

appropriation was \$8.6 million, and the Statewide Court Automation Fund appropriation was \$4.6 million. Appendix 1 includes an unaudited statement of revenues and expenditures for the court automation project for fiscal years 1995 through 2000.

Objectives

The program evaluation of the Statewide Court Automation Project included the inspection of records for the purpose of providing information to the General Assembly for their consideration of proposed legislation and appropriation bills. The Oversight Division's evaluation focused on the objectives noted below:

- Understanding the status of the court automation project,
- Evaluating the financial projections for project completion,
- Analyzing the differences between SB 420 projected expenditures and actual expenditures,
- Reviewing the courts' level of acceptance and use of the project,
- Reviewing the contracts related to court automation, and
- Determining the beneficiaries of court automation.

Scope/Methodology

Our evaluation covered fiscal years 1995 through 2000. The Oversight Division's procedures included the following:

- Interviewing OSCA personnel,
- Reviewing statutes creating and amending court automation,
- Verifying revenues and expenditures for court automation,
- Evaluating the fiscal note response to SB 420,
- Reviewing contracts related to court automation,
- Surveying courts which have the Banner system implemented, and
- Surveying users of Case.Net.

Chapter 2 - The Future of Court Automation

Comment #1

The Office of State Courts Administrator does not have a long-range plan for the implementation and maintenance of the case management systems at the courts.

OSCA does not have a plan including budgetary projections through September 1, 2004, when the seven dollar court fee expires. This period would cover the remaining rollout of the court case management systems. OSCA is still in the process of determining when case management will be rolled out for the remaining courts by fiscal year. OSCA also does not have a plan for ongoing maintenance of the case management systems extending beyond the expiration of the court fee. Maintenance costs could include software upgrades, hardware upgrades, training and technical support to county court personnel. Section 476.055, RSMo, created the Statewide Court Automation Fund to be administered by the Court Automation Committee. The committee is required to "...develop and implement a plan for a statewide court automation system."

The section further states, "The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes."

Recommendation

The Oversight Division recommends OSCA develop a long-range plan through and subsequent to September 1, 2004, when the seven dollar court fee expires. The long-range plan should include time lines with estimated costs and funding sources.

Comment #2

The statewide court automation project costs have exceeded the projections, and the court fee revenues will not cover the estimated costs to complete the project.

OSCA estimated annual court automation fees to be \$4.6 million in their fiscal note response to SB 420 in 1994. Projecting this estimate through FY 2004 would approximate \$46 million. OSCA also stated in the fiscal note response, "actual expenditures would have to be kept within actual receipts into the fund." However, during Oversight's evaluation OSCA provided Oversight with a document which they stated was prepared in 1994 which estimated total court automation project costs of \$72 million.

Based on current information prepared by OSCA, total costs to implement the system will approximate \$119 million, assuming all courts will have the case management software implemented by FY 2004. That estimate is also based on receiving the current level of appropriations through FY 2004 and completing the project implementation by the end of FY 2004.

Approximately \$46 million will actually be generated from the court fee over ten years (from FY 1995 through FY 2004). OSCA appears to be planning on funding the balance from the state's General Revenue Fund.

Recommendation

As previously stated in comment #1, the Oversight Division recommends OSCA develop a long-range plan through and subsequent to September 1, 2004, when the seven dollar court fee expires. The long-range plan should include time lines with estimated costs and funding sources.

Chapter 3 - Functions of Court Automation

Comment #3

The court automation software contractor has not met all of the functional software requirements included in the contract.

The contract between the software contractor and OSCA, dated March, 1997, included functional requirements for the software. Eleven of these requirements have not been met. OSCA has withheld 20% of the contractor invoices related to the unmet functional requirements. The total amount withheld by OSCA is approximately \$500,000. The unmet requirements include:

1. Ability to schedule case activities automatically by event (e.g., felony case filed at circuit level scheduled for next arraignment docket).
2. Ability to electronically receive data from the party (prosecuting attorney, attorney, juvenile officer, etc.) filing the case or any document in the case (e.g. receive defendant and charge information electronically from the prosecutor).

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3. Ability to transfer electronic case information (e.g. notice of appeal and case filing deposit) from court to court (e.g. circuit to appellate, appellate to supreme, circuit to supreme, appellate to circuit).
4. Ability to batch generate documents for each occurrence of specified criteria found in the case management system by merging data with a predefined document template.
5. Ability to identify and list cases that are ready to be archived (moved to inactive storage) or destroyed pursuant to Administrative Rule 8 guidelines.
6. Ability to archive case data for varying periods of time depending on the type of record and required retention period (e.g., indexes must be retained permanently; docket sheets for disposed traffic cases may be destroyed 3 years after filing).
7. Ability to track individual case retention status; i.e., whether the paper and/or electronic records on the case have been destroyed or archived, date of destruction, paper file storage location, electronic archive location.
8. Ability to expunge cases while maintaining required data for statistical reporting.
9. Ability to generate a report, by judge, listing monthly and year to date, decisions filed, decision type (e.g. opinion or petition curium order) submitted, and average number of days under submission.

10. Ability to generate year to date and monthly statistics, by case type, for late Notice of Appeals, Writs, Notice of Appeals, Legal Files, Transcripts, Appellant and Respondent Briefs.
11. Change/Delete Capability for case, docket, charges and parties.

The Missouri Bar issued a report in February, 1994 (the year the court automation bill passed in the legislature) titled, "Electronic Courts 2004, The Missouri Court Automation Project", which included the following statements,

- "An automated court system will link all Missouri courts with each other, with other agencies in Missouri and, ultimately, with agencies across the nation."
- "Litigants and their legal counsel will be able to file documents electronically, and the burdens of storage will be alleviated and eventually eliminated."
- "Computerized telecommunications will link all courts in Missouri in a statewide network so that every court has access to the information stored in other court computers."
- "Trial courts will be linked with appellate courts, and the Court of Appeals will be linked with the Supreme Court for electronic transfer of files. Communications links between courts will allow sharing of information concerning cases and dockets and coordination of court schedules."
- "With automation, files are stored more efficiently, and the contents of optical disks can be accessed simultaneously by several individuals or transmitted anywhere in the state."

The unmet contract items related to electronic case filing, storage and information transfer will keep the courts from being linked with each other. Also, the lack of adequate archiving capabilities keep court files from being stored more efficiently.

At the request of the Missouri Supreme Court, the National Center for State Courts (NCSC) conducted a review of the progress and future direction of the Missouri court automation project titled, "EC/2004 Project Review". The report was dated October-November, 1996. The report included goals of the court automation project. The goals included the following:

- Improving Court Services and Operation
- Minimizing the Effect of Geographic Distances
- Standardizing Court Systems and Practices Statewide
- Reducing Litigant and Taxpayer Cost
- Providing Quality and Timely Processing of Court Activity
- Electronically Interfacing with State and Local Systems

The unmet software contract items related to electronic case filing and transfer of information have kept the court automation project from meeting its goals of minimizing the effect of geographic distances and electronically interfacing with state and local systems.

Recommendation

The Oversight Division recommends the Office of the State Courts Administrator review with the contractor the best method to achieve the remaining software functions and develop a plan to implement those functions so that OSCA can fulfill its goals regarding court automation.

Chapter 4 - Court Automation Expenditures

Comment #4

OSCA hired more FTE for court automation than were included in the fiscal note request for SB 420.

In the fiscal note for SB 420, passed in 1994, OSCA requested 11 FTE from the Statewide Court Automation Fund. This fiscal note covered the fiscal impact period from FY 1995 through FY 1997. OSCA was actually funded for 4.77 FTE in FY 1996 and 14.33 FTE for FY 1997. Therefore, OSCA exceeded the number of FTE requested in the fiscal note in FY 1997 by 3.33 FTE. Below is a comparison of the changes made in position classifications and the additional number of FTE hired:

	FY 1996	FY 1997	Change
Division Director	.17	.09	(.08)
Program Manager	.63	2.55	1.92
Secretary	1.00	1.28	0.28
Information Services Specialist	1.99	1.99	0.00
Project Director	.83	.92	0.09
Temporary Help	.15	0	(.15)
Program Specialist	0	2.20	2.20
Program Analyst	0	<u>5.30</u>	<u>5.30</u>
Total	<u>4.77</u>	<u>14.33</u>	<u>9.56</u>

Staff from the Office of State Courts Administrator (OSCA) stated that the \$7 fee could apply to about 658,000 cases, based upon FY 1993 statistics. This fee could yield up to \$4,600,000 per year for the automation fund. OSCA indicated the dedicated funds would be used to provide equipment, software, services and 11 FTE (support staff) to automate case and accounting records and the operation of the state courts. No long range fiscal implications were noted. Therefore, there was no indication that General Revenue Funds would be needed outside the fiscal note period.

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The fiscal note for SB 420 appears to underestimate the FTE necessary to carry out the requirements of this bill. OSCA has increased the number of FTE for this program by receiving additional General Revenue funding. The approved FTE for FY 1998, 1999 and 2000 were 24, 60 and 96, respectively. For FY 2001 the total FTE for this program has an approved core request of 111.25 FTE. The breakdown for Personal Services and expense and equipment for FY 2001 is shown below:

FY 2001	FTE	Current Budget Dollars
PERSONAL SERVICES		
General Revenue	77.25	\$3,113,726
Statewide Court Automation	<u>34.00</u>	<u>\$1,348,814</u>
Total	111.25	\$4,462,540
EXPENSE AND EQUIPMENT		
General Revenue		\$11,163,000
Statewide Court Automation		<u>\$3,338,900</u>
Total		\$14,501,900

Recommendation

The Oversight Division recommends OSCA carefully consider staffing needs in their fiscal note estimates and include long-range implications.

Comment #5

The quarterly report dated August 1, 2000 omitted expenditures from the General Revenue Fund for FY 1999. In addition, a mathematical error resulted in the overstatement of the FY 2000 fund balance of the Statewide Court Automation Fund by \$193,061.

Section 476.055 RSMo. requires the Court Automation Committee to file, on the first day of February, May, August, and November, a report on the progress of the statewide automated system with the Joint Legislative Committee on Court Automation. The quarterly report dated August 1, 2000 omitted expenditures from the General Revenue Fund for FY 1999. In addition, a mathematical error resulted in the overstatement of the FY 2000 fund balance of the Statewide Court Automation Fund by \$193,061, which represented the FY 1999 Article X adjustment.

Court Automation personnel prepared a current, corrected report which shows General Revenue expenditures in FY 1999 totaling \$6,819,934. In addition, FY 2000 Court Automation Fund expenditures were reduced from \$5,340,867 to \$5,333,931 (\$6,936 reduction), and FY 2000 General Revenue Fund expenditures were increased from \$8,114,819 to \$8,118,722 (\$3,903 increase).

Filing a report with incorrect information does not provide the Joint Legislative Committee on Court Automation with appropriate information on the progress of the statewide court automated system.

Recommendation

The Oversight Division recommends OSCA ensure reports filed with the Joint Legislative Committee on Court Automation are mathematically accurate and contain appropriate information to reflect the true progress of the statewide automated system.

Comment #6

Expenditures from the court automation appropriations did not include adequate supporting documentation or were not paid timely.

The Oversight Division evaluators examined 44 expenditure transactions from court automation appropriations from fiscal years 1995 through 2000. Four transactions were noted which did not include adequate documentation or were not paid timely:

- OSCA pays \$500 per month for storage space for computer equipment. OSCA does not have a written agreement to support this lease.

- In fiscal year 1996 OSCA paid an employee's expense report which included mileage within Jefferson City where the employee was domiciled. The expense report also included 90 miles for travel to and from Columbia for the "emergency" purchase of a laptop computer, which cost approximately \$3,300. However, the computer invoice indicated the computer had to be ordered.
- In May, 2000, OSCA personnel discovered that several invoices for pager leasing had gone unpaid from fiscal years 1999 and 2000. The total amount due through March 14, 2000 was \$8,810.
- In fiscal year 1999 the Director of Information Technology was reimbursed \$45 for a luncheon for six people. The attendees and business purpose were included on the expense report; however, no receipt was included.

Recommendation

The Oversight Division recommends OSCA require supporting documentation and timely payment for court automation expenditures.

Chapter 5 - Court Automation's Impact on Local Courts

Comment #7

25% of the case management system's problems reported to OSCA by court personnel were over 90 days old and unresolved.

OSCA has set up a system to allow documentation, assessment, and scheduling for customer service attention to problem areas reported by court personnel. Reported problems are evaluated by technical support staff and referred to the group of employees who are responsible for that function. "Impact Numbers" are assigned to the problems, and the problems are addressed as employees have time available.

Our review of a recent impact number backlog report provided by OSCA indicated that a significant number of impact numbers were old. 25% of all outstanding impact

numbers were over 90 days old. 30% of the workflow group's outstanding impact numbers were over 90 days old, and 28% of the accounting group's outstanding impact numbers were over 90 days old. The Oversight Division surveyed circuit clerks in counties where the case management system has been implemented. Three of the twelve counties responding to the survey reported that OSCA is working on problems they are having with the financial system. Another county responded that corrections to the system by OSCA are sometimes slow to be completed.

The impact number report did not provide sufficient information to allow us to address the nature of the problems. A review of comments provided in the OSCA report indicated most of the accounting group problems were financial statement out-of-balance situations. A review of Workflow impact numbers indicated most of the problems related to missing data or data entry problems.

Problems should be addressed and resolved promptly in order to ensure the accuracy of system data and reports, and to reduce employee frustration.

Recommendation

The Oversight Division recommends OSCA adopt a 30-day maximum resolution period for reported problems, or sooner if required for court personnel to complete their required functions.

Comment #8

Data security for the Banner system is not managed to minimize internal control risk.

OSCA sets up security for courts using the Banner system. OSCA staff set up security for Windows 95, Windows NT, and the underlying Oracle database on a standardized basis. At this level, security is uniform for each court system.

The Banner security system offers OSCA the ability to structure employees' access levels so that internal control over court operations is maximized. Security for the Banner system controls what files and screens each court employee can see and what that employee can do on that screen. Our discussions with OSCA employees indicated that OSCA sets up Banner security according to the request of the circuit

clerk. OSCA does not exercise any supervisory approval over security requests to prevent internal control weaknesses through a lack of segregation of duties.

We noted an example in a county where one employee had total control of cash receipts from envelope opening to recording, case file access, deposit preparation and bank reconciliation. Other employees were available to do these jobs, or that ability could be developed through cross-training, but only one employee performed all the functions.

Recommendation

The Oversight Division recommends OSCA staff develop and implement standardized security structures for local courts. Deviations from the standard structure should require special approval.

Comment #9

Sheriffs' and prosecuting attorneys' offices in counties with the case management system implemented are not benefitting from Case.Net.

Four of eleven sheriffs' offices responding to a survey by the Oversight Division where the case management system has been implemented do not have internet access. Nine of the eleven sheriffs' offices surveyed do not use Case.Net.

Four of thirteen prosecuting attorneys responding to a survey by the Oversight Division where the case management system has been implemented do not have internet access. Six of the thirteen prosecuting attorneys surveyed do not use Case.Net.

Case information is available electronically through Case.Net, an internet site accessible from OSCA's internet home page. After the Banner rollout has been completed at a court, the county's public court information is available on Case.Net.

The sheriffs' and prosecuting attorneys' offices either do not have internet access or are not aware of the availability of court information on Case.Net. Therefore, information accessible through the internet which is available through the court automation project is not benefitting all of the necessary county officials.

Recommendation

The Oversight Division recommends OSCA and circuit clerks encourage county officials to obtain internet access and inform the officials of the availability of Case.Net.

Comment #10

For some counties, the Banner case management system requires more circuit clerk staff time than the counties' previous systems to record court case information.

OSCA intended the Banner case management system to save time in the circuit clerks' offices in recording court case information. However, four of twelve circuit clerks responding to a survey by the Oversight Division reported that the Banner system is more time consuming than their previous systems.

County staff may not be familiar enough with the Banner system to be more efficient in entering case information. County staff may also need additional training in the use of the Banner software. Some courts may be maintaining duplicate manual records. As a result, some circuit clerk employees have had to work overtime to maintain the case management system.

Recommendations

The Oversight Division recommends OSCA improve training of county staff regarding efficiently entering case management information into the Banner system and encourage county staff to reduce or eliminate the maintenance of duplicate manual documentation.

Comment #11

The state pays court reporters an annual salary plus fees for court transcripts.

The statutes authorize the court reporters to be paid an annual salary up to \$46,706 for FY 2000. In addition, court reporters charge fees to the state of Missouri of approximately \$400,000 per year for indigent criminal appeal transcripts. Private attorneys also pay court reporters for transcripts. For counties without court reporters, voice transcripts are submitted to OSCA for transcript production. No additional fee is charged by OSCA for producing these transcripts.

Chapter 485, RSMo., authorizes each circuit court judge to appoint a court reporter. The reporter gets paid a state salary and is authorized to collect and retain statutory fees for producing transcripts of trials the reporter recorded as a part

of his/her statutory duties. The state is a primary consumer of transcripts; therefore, the state is essentially paying twice for these services.

Significant cost reductions could be attained by making court records available to the public at no charge. The court automation project could make the transcripts available electronically to the public.

Recommendation

The Oversight Division recommends OSCA make court records available electronically at no charge through the court automation project.

APPENDIX 1

Box 104480
Jefferson City MO 65110

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JAN 10 2000

INSIGHT DIVISION

Robert Perry
(Chair)

Court Administrator
13th Circuit

Clifford Ahrens
(Vice Chair)

Judge, Eastern District
Court of Appeals

Julian L. Bush
Circuit Judge
22nd Circuit

Harold Caskey
Senator

David Darnold
Presiding Judge
28th Circuit

Karl DeMarce
Associate Circuit Judge
Scotland County

Steve Ehlmann
Senator

Mariano Favazza
Circuit Clerk
St. Louis City

Michael R. Gibbons
Representative

Robert Heller
Associate Circuit Judge
Shannon County

Diane C. Howard
Attorney

Cape Girardeau

James Kelly
Associate Circuit Judge
St. Francois County

Jaci Mairs
Court Administrator
16th Circuit

Edith L. Messina
Circuit Judge
16th Circuit

William Ray Price, Jr
Chief Justice

Jeff W. Schaeperkoetter
Circuit Judge
20th Circuit

Mike Schilling
Representative

James Schutt
Director

Information Services

William Session
Attorney

Kansas City

William Smith
Circuit Clerk
Lewis County

Carolyn Whittington
Associate Circuit Judge
St. Louis County

Ms. Jeanne Jarrett
Director, Committee on Legislative Research, Oversight Division
Room 132, State Capitol
Jefferson City, MO 65101

January 10, 2001

Dear Ms. Jarrett

The Office of State Courts Administrator has received your Audit Team's draft Evaluation of the Statewide Court Automation Project. We appreciate the opportunity to reply to the recommendations and responses have been appended at the end of each one, in the attached document.

It is, however, not entirely clear from the content of the evaluation, whether the Office of State Courts Administrator (OSCA) or the Missouri Court Automation Committee's Project was being audited. There are mixed references throughout the evaluation indicating that the audit team was also unclear as to the target of the audit. Additionally, Statewide Court Automation's scope is much broader than the implementation of a case management system, but that appears to have been the main focus of the audit. Therefore, recognizing that OSCA houses the staff and resources for implementation of the Project, responses have been drafted from the Automation Project's perspective.

Sincerely,

Robert Perry

Chair, Missouri Court Automation Committee

Michael L. Buenger

State Court Administrator

Comment #1 Recommendation

The Oversight Division recommends OSCA develop a long-range plan through and subsequent to September 1, 2004, when the seven dollar court fee expires. The long-range plan should include time lines with estimated costs and funding sources.

Reply to Recommendation:

Noted and Understood

Since implementation of the Statewide Court Automation Project, staff has developed projections, timelines and estimates as far in the future as has been feasible to provide for reasonable accuracy and will continue to do so. The ability of the Missouri Court Automation Committee to meet its goals and objectives, including meeting proposed timeframes, is directly affected by funding levels in upcoming fiscal years

Comment #2 Recommendation

As previously stated in comment #1, the Oversight Division recommends OSCA develop a long-range plan through and subsequent to September 1, 2004, when the seven dollar court fee expires. The long-range plan should include time lines with estimated costs and funding sources.

Reply to Recommendation:

Noted and Understood.

Since implementation of the Statewide Court Automation Project, staff has developed projections, timelines and estimates as far in the future as has been feasible to provide for reasonable accuracy and will continue to do so. It should be noted, however, that: (1) only one-half of the proposed court automation fee was approved by the legislature; and (2) all reasonable efforts were made six years ago to project total project costs accurately with the knowledge then available

Comment #3 Recommendation

The Oversight Division recommends the Office of the State Courts Administrator review with the contractor the best method to achieve the remaining software functions and develop a plan to implement those functions so that OSCA can fulfill its goals regarding court automation.

**RESPONSES TO "EVALUATION OF THE STATEWIDE COURT AUTOMATION PROJECT
CONFIDENTIAL DRAFT" RECOMMENDATIONS**

Reply to Recommendation:

Resolution of outstanding case management software deliverables, numbered items 1 through 11, is actively and aggressively being pursued. The vendor has been tasked with providing a resolution to the outstanding issues, and their reply is presently awaited. Pending that resolution, the project continues to withhold twenty percent of payments, currently in excess of one-half million dollars, as provided for by contract.

Resolution of the bulleted items is not within the scope of the case management system, *per se*, and is part of the overall vision of the project

Comment #4 Recommendation

The Oversight Division recommends OSCA carefully consider staffing needs in their fiscal note estimates and include long-range implications

Reply to Recommendation:

Noted and Understood.

Court Automation staff has been hired based upon the annual appropriation authorized by the legislature, not fiscal notes. It is acknowledged that fiscal year 1997 does reflect a 0.33 FTE overhire. Careful consideration of staffing needs will be included in fiscal note estimates and long range planning as appropriate

Comment #5 Recommendation

The Oversight Division recommends OSCA ensure reports filed with the Joint Legislative Committee on Court Automation are mathematically accurate and contain appropriate information to reflect the true progress of the statewide automated system.

Reply to Recommendation:

Noted and Understood

The errors have been corrected, and any inconvenience the inaccuracies may have caused is regretted.

Staff will continue to review reports prepared for submission to ensure accuracy and appropriateness.

**RESPONSES TO “EVALUATION OF THE STATEWIDE COURT AUTOMATION PROJECT
CONFIDENTIAL DRAFT” RECOMMENDATIONS**

Comment #6 Recommendation

The Oversight Division recommends OSCA require supporting documentation and timely payment for court automation expenditures

Reply to Recommendation:

Noted and Understood.

OSCA will review and ensure that supporting documentation and timely payment is accomplished for court automation expenditures.

Comment #7 Recommendation

The Oversight Division recommends OSCA adopt a 30-day maximum resolution period for reported problems, or sooner if required for court personnel to complete their required functions.

Reply to Recommendation:

Impact numbered tickets are assigned to OSCA staff for review and resolution on a priority basis. Review of the aged unresolved tickets reveals that these items remain open due to low priority or postponement while awaiting additional functionality or other resolutions with precedence. The prioritization or postponement is mutually agreed upon by staff and the requestor. There are presently in place internal processes that prevent any help desk (Impact) request from going unaddressed for more than few days. OSCA will continue to actively review open items and determine whether reprioritization is needed.

Comment #8 Recommendation

The Oversight Division recommends OSCA staff develop and implement standardized security structures for local courts. Deviations from the standard structure should require special approval.

Reply to Recommendation:

The audit team appears to have misunderstood OSCA’s role in administration for the judiciary. OSCA has no authority, beyond recommendation, to dictate how local courts operate. OSCA does recommend separation of

**RESPONSES TO “EVALUATION OF THE STATEWIDE COURT AUTOMATION PROJECT
CONFIDENTIAL DRAFT” RECOMMENDATIONS**

roles, and other security “best practices,” but has no jurisdiction to enforce any standard structure or approve deviations from same.

Comment #9 Recommendation

The Oversight Division recommends OSCA and circuit clerks encourage county officials to obtain internet access and inform the officials of the availability of Case Net.

Reply to Recommendation:

Representatives of the Missouri Court Automation Committee, OSCA staff, judges and clerks of courts around the state make presentations and provide educational opportunities throughout the year to local organizations, court, and county officials, that inform potential users of the features and capabilities of the systems and applications being implemented by Statewide Court Automation. These presentations and courses are continuously reviewed for content and appropriateness to the audience. Through the implementation of a communications plan, these contacts will continue to be expanded and revised.

Comment #10 Recommendation

The Oversight Division recommends OSCA improve training of county staff regarding efficiently entering case management information into the Banner system and encourage county staff to reduce or eliminate the maintenance of duplicate manual documentation.

Reply to Recommendation:

Training provided by OSCA on the Banner system is extensive and contains many aspects of change management and workflow modification as well as software operation training. These courses are continuously reviewed for content. Combined with extensive work done locally by OSCA workflow staff they provide a basis for transitioning the local courts business processes to most efficiently incorporate the new applications. Project staff recommend elimination of duplicate effort wherever possible, but the final decision on local court processes remains within the local court.

**RESPONSES TO “EVALUATION OF THE STATEWIDE COURT AUTOMATION PROJECT
CONFIDENTIAL DRAFT” RECOMMENDATIONS**

Comment #11 Recommendation

The Oversight Division recommends OSCA make court records available electronically at no charge through the court automation project

Reply to Recommendation:

Free access to transcripts is not included in the vision, scope or authority of the Statewide Court Automation Project